

## **REMARKS**

Reconsideration of this application as amended herewith is respectfully requested.

The Office Action rejected claims 39 – 41 under 35 USC §112, first paragraph; and rejected claims 1 – 52 under 35 USC §103(a) as being unpatentable over United States Patent No. 6,551,607 to Minerath, III, et al. (“Minerath”) in combination with United States Patent No. 5,436,007 to Hartung et al. (“Hartung”).

For purposes of expediting the prosecution of this application, Applicants cancelled claims 39 - 41, without prejudice to the subject matter contained therein and without prejudice to the refiling of these claims in a continuation application. As such, Applicants respectfully submit that the rejection of these claims under 35 USC §112, first paragraph, has been overcome and should be withdrawn.

Claim 51 was amended by adding all of the limitations of the base claim and any intervening claims thereto. Applicants respectfully submit that this amendment does not narrow the scope of this claim for reasons related to patentability.

Claims 1, 12, and 22 were amended to highlight a novel feature of the invention, for example, the particular peptizing agents that are useful in the present invention. Support for this amendment may be found in the Specification as originally filed at, for example, page 5, lines 16 – 24, and as such does not introduce new matter into the Specification.

New claims 53 – 55 were added to further highlight another novel feature of the present invention. Support for these claims may be found in the

Specification as originally filed at, for example, page 1, lines 6 – 9, and page 2, lines 6 to page 3, line 24, and as such does not introduce new matter into the Specification.

Claims 7, 18, 28, 39 – 41, and 52 were deleted. Claims 1 – 6, 8 – 17, 19 – 27, 29 – 38, 42 – 51, and 53 – 55 remain pending in this application upon entry of this Amendment.

**The Rejection of Claims 1 - 52  
Under 35 USC §103 Based  
on Minerath in view of Hartung Has Been Overcome.**

Claims 1 - 52 stand rejected under 35 USC §103 as being allegedly unpatentable over Minerath in view of Hartung. Applicants respectfully disagree in view of the ensuing discussion.

According to the Office Action, Minerath discloses compositions containing a sequestering agent, which may be a clay, as well as a buffering agent. However, “Minerath does not expressly teach what the exact additional components, such buffering agents or fragrances, can be in the composition.” The Office Action then maintained that it would be obvious to one of ordinary skill in the art to combine the teachings of Hartung, which discloses a skin care composition containing a sodium citrate buffering agent, with that of Minerath in order to arrive at the present invention. Applicants respectfully disagree.

*Assuming arguendo* that it would be proper to combine Minerath with Hartung, Applicants respectfully submit that the resulting combination still would not disclose or suggest the invention as presently claimed. For example, the resulting combination would still lack a “a peptizing agent selected from the group consisting of tetrasodium pyrophosphate, tetrapotassium pyrophosphate, sodium hexametaphosphate, sodium tripolyphosphate, ethylenediamine tetracetic acid, sodium silicate, sodium oxalate, sodium hydroxide, sodium

carbonate, sodium polyacrylate, hydrogen peroxide, alkylamido betaines, alkyl betaines, and derivatives and mixtures thereof, wherein the alkyl contains from about 8 carbon atoms to about 22 carbon atoms."

In view of the fact that the combination of Minerath with Hartung would not disclose or suggest the invention as presently claimed, Applicants respectfully submit that the rejection of claims 1 – 52 has been overcome and should be withdrawn.

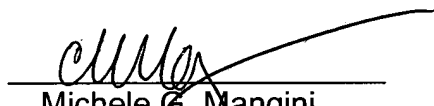
### **Conclusion**

It is submitted that the foregoing amendments and remarks place the case in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully submitted,

McCulloch, et al.

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